

Department: Department of Correction

Sponsor(s): Agenbroad, Burtenshaw, Wintrow, Syme

Division(s): Correctional Alternative Placement

Program(s): Correctional Alternative Placement

Description(s): No-Touch Kosher Meals

1. Background:

The department requests \$55,700 in onetime operating expenditures from the General Fund to pay for a common fare no-touch menu, as ordered by the court in the Bill Bartlett et al. v. Henry Atencio et al. (Bartlett) court case, at the Correctional Alternative Placement (CAP) facility. On May 3, 2017, the plaintiffs filed a complaint alleging in relevant part that, by failing to accommodate the plaintiffs' religious dietary needs related to kosher meals, the department violated their rights under the Free Exercise Clause of the First Amendment, as incorporated against the State of Idaho under the Fourteenth Amendment. On August 11, 2017, the parties stipulated to an Order of Partial Dismissal with Retained Jurisdiction, which provided that the relevant claims for relief would be dismissed pursuant to a settlement agreement regarding those claims. The settlement agreement provided that the department would begin providing a common fare no-touch menu no later than November 1, 2017. The common fare no-touch menu consists of at least 19 varieties of pre-packaged and individually wrapped frozen meals that are kosher certified. The department was appropriated a total of \$688,100 ongoing from the General Fund in FY 2019 to pay for the meals in the state-operated facilities. However, this funding did not cover these meals at the private CAP facility. The department has since began negotiating a contract amendment with the CAP contractor to pay for the cost of these meals at CAP in excess of \$25,000. Every January, the department will review these specific food costs and pay the contractor in arrears on a onetime basis.

2. Agency Request/ Governor's Recommendation:**Correctional Alternative Placement:**

Fund	Type	OT	FTP	PC	OE	CO	TB	LS	Total
0001-00	Gen	✓	0.00	0	55,700	0	0	0	55,700
Total			0.00	0	55,700	0	0	0	55,700

3. Actions:

- a. Reopen FY 2020 Budget:** Requires unanimous consent or 2/3 majority to reopen.

"I request unanimous consent to reopen the fiscal year 2020 budget for the Department of Correction." [NOTE: the motion to reopen is not necessary if the department's budget has already been reopened]

b. Motion:

*"I move for fiscal year 2020, for the Department of Correction, a onetime increase of **\$55,700** in operating expenditures from the General Fund in the Correctional Alternative Placement Program, for the purpose of no-touch Kosher meals."*

c. Discussion:

"This motion provides the department with the necessary increase in its General Fund appropriation to reimburse the CAP contractor for no-touch Kosher meals in accordance with court order."